

Message Text

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ORIGIN IO-14

INFO OCT-01 AF-10 ARA-10 EUR-12 NEA-10 ISO-00 L-03
SP-02 EB-07 OES-07 NASA-01 OTPE-00 SIG-01 ACDA-07
CIAE-00 DODE-00 PM-04 INR-07 NSAE-00 NSC-05
ERDA-05 SS-15 CCO-00 FCC-01 OC-06 USIA-06 COME-00
BIB-01 EA-07 FAA-00 DOTE-00 PA-01 PRS-01 DHA-02
/146 R

DRAFTED BY IO/UNP: BFOPPEL:GB
APPROVED BY IO: JABAKER
L/UNA:DSTEWART
S/P:WGATHRIGHT
EB/TT/TD:GHUFFCUTT
OES/APT/SA:IPIKUS
ARA/RPP:POAKLEY
NEA/RA:SPERRY ; AF/I:WHLEWIS
NASA/GC:NHOSENBALL(SUBS)
OTP:KSCHAEFFER
-----112028Z 039572 /62

P R 111957Z JUN 77
FM SECSTATE WASHDC
TO AMEMBASSY BRASILIA PRIORITY
AMEMBASSY CAIRO PRIORITY
AMEMBASSY CARACAS PRIORITY
AMEMBASSY LAGOS PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY NAIROBI PRIORITY
AMEMBASSY NEW DELHI PRIORITY
INFO AMEMBASSY MOSCOW
USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 135742

E.O. 11652: GDS

TAGS: TSPA, UN
CONFIDENTIAL

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SUBJECT: DIRECT BROADCAST SATELLITES

1. SUMMARY: THE UNITED NATIONS OUTER SPACE COMMITTEE (OSC)
WILL MEET JUNE 20-JULY 1 IN VIENNA, AND IS EXPECTED TO CON-
TINUE TO WORK ON THE DEVELOPMENT OF DRAFT PRINCIPLES TO
GOVERN DIRECT TELEVISION BROADCASTING BY SATELLITE (DBS).
THIS MESSAGE PROVIDES BACKGROUND INFORMATION AND TALKING
POINTS ON DBS FOR USE BY ACTION POSTS IN APPROACHING HOST
GOVERNMENTS TO EXPLAIN IMPORTANCE WHICH USG ATTACHES TO
CONSTRUCTIVE OUTCOME OF DBS NEGOTIATIONS. END SUMMARY.

2. THE DEVELOPMENT OF DIRECT BROADCASTING SATELLITES MEANS THAT TV PROGRAMS IN THE FUTURE CAN BE BROADCAST TO HOME TV RECEIVERS VIA SATELLITE DIRECTLY FROM A FOREIGN BROADCASTING SOURCE. THE DESIRE OF MOST GOVERNMENTS TO CONTROL SUCH BROADCASTS HAS LED TO LONG AND INTENSE CONTROVERSY AT THE UNITED NATIONS SINCE 1963. THESE GOVERNMENTS WORRY ABOUT THE IMPACT OF SUCH BROADCASTING ON THEIR POPULATIONS AND SEEK TO DEVISE MEASURES THROUGH THE UN SYSTEM TO FORESTALL THE PRESUMED DANGERS. FROM THE BEGINNING, THEY HAVE PRESSED FOR AN INTERNATIONAL AGREEMENT TO PROHIBIT CERTAIN KINDS OF PROGRAMS AND TO REQUIRE PRIOR CONSENT OF THE GOVERNMENT OF THE RECEIVING STATE. THE PRIMARY UN FORUM FOR DISCUSSION AND ACTION ON DBS HAS BEEN THE OSC AND ITS LEGAL SUBCOMMITTEE (LSC).

3. THE OSC IS EXPECTED TO CONTINUE THE LSC'S ATTEMPTS TO DRAFT PRINCIPLES GOVERNING THE USE OF SATELLITES FOR DIRECT TELEVISION BROADCASTING. THIS EFFORT IS LIKELY TO PRECIPITATE A SENSITIVE AND VOLATILE DEBATE AT THIS COMMITTEE SESSION, AS IT WILL FOCUS PRIMARILY ON THE QUESTION WHETHER THE PRIOR CONSENT OF RECEIVING STATES IS REQUIRED BEFORE THE INITIATION OF SUCH BROADCASTING. THERE IS LIKELY TO BE BROAD PRESSURE FOR A RESOLUTION OF THE REMAINING DIFFERENCES, NOT LEAST BECAUSE OF AUSTRIAN DESIRES TO COMMEMORATE

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THE MEETING IN VIENNA WITH THE CONCLUSION OF A NEW SET OF INTERNATIONAL PRINCIPLES. THE UNITED STATES IS FACED WITH THE SUBSTANTIVE PROBLEM OF PREVENTING THE OSC FROM RECOMMENDING TO THE GENERAL ASSEMBLY A POLITICAL PRINCIPLE THAT SUCH PRIOR CONSENT BE REQUIRED. ALTHOUGH THE US IS NOT AT THIS TIME COMPLETELY ISOLATED IN OUR OPPOSITION TO THIS PRINCIPLE, THE GREAT MAJORITY OF STATES, INCLUDING THE EASTERN EUROPEANS AND MOST OF THE DEVELOPING COUNTRIES, STRONGLY ADVOCATE IT. SHOULD SUCH A PRINCIPLE BE ADOPTED OVER OUR OPPOSITION, IT WOULD BE EXTREMELY DAMAGING REVERSAL OF THE INTERNATIONAL ADVOCACY OF FREE FLOW OF INFORMATION ENDORSED BY THE UN IN 1948 IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.

4. THE US POSITION ON THE SUBSTANCE OF THE PRIOR CONSENT ISSUE, CONSISTENT WITH THE PRESIDENT'S DECISION IN MARCH 1977, HAS BEEN THAT THOSE WHO INTEND TO UNDERTAKE DIRECT TELEVISION BROADCASTING BY SATELLITE SHOULD ENSURE THAT STATES WITHIN THE INTENDED RECEPTION AREA ARE NOTIFIED IN ADVANCE OF SUCH AN INTENTION, AND THAT SUCH BROADCASTERS SHOULD CONSULT WITH ANY GOVERNMENTS IN THE RECEPTION AREA WHO REQUEST CONSULTATIONS CONCERNING THAT BROADCASTING. HOWEVER, WE HAVE SPECIFICALLY STATED WE DO NOT ENVISAGE ESTABLISHMENT THROUGH THESE PROCEDURES OF A RIGHT OF ANY STATE TO PROHIBIT OTHERS FROM UNDERTAKING BROADCASTING.

A. THROUGH THIS PROPOSAL WE HAVE DEMONSTRATED A WILLINGNESS TO TRY TO FIND AN ACCEPTABLE COMMON BASIS FOR AGREEMENT IN THIS AREA. IN RESPONSE TO THE DESIRES OF OTHERS WE HAVE ALSO PARTICIPATED FULLY AND CONSTRUCTIVELY IN EACH SESSION OF THE OSC NEGOTIATIONS ON DBS PRINCIPLES. IN ADDITION, THE US DELEGATION HAS CONSTRUCTIVELY PARTICIPATED IN EFFORTS IN THE INTERNATIONAL TELECOMMUNICATIONS UNION (ITU) TO ENSURE TECHNICAL PROTECTION AND FAIR AND EFFICIENT MANAGEMENT OF THE USE OF THIS NEW TECHNOLOGY.

B. THE WORLD ADMINISTRATIVE RADIO CONFERENCE (WARC) OF THE ITU AGREED IN JANUARY 1977 ON AN EQUITABLE ALLOCATION OF
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FREQUENCIES AND ORBITAL POSITIONS FOR DBS SERVICE TO ALL COUNTRIES IN REGIONS I AND III (EUROPE, ASIA, AND

AFRICA). COUNTRIES IN THIS AREA MAY OBJECT TO DBS USE BY OTHERS AT FREQUENCIES ASSIGNED TO THEM IF SUCH USE CAUSES TECHNICAL INTERFERENCE WITH DOMESTIC SYSTEMS IN USE. FOR TACTICAL REASONS THE US HAS ATTEMPTED TO PROMOTE THE ARGUMENT, INITIALLY ADVOCATED IN THE LSC BY THE UK, THAT NO DBS LEGAL PRINCIPLE ON "CONSENT AND PARTICIPATION" IS NECESSARY IN LIGHT OF THE WARC DECISIONS.

C. AT THE OSC IN VIENNA, THE US IS PREPARED TO ACCEPT AN OBLIGATION TO NOTIFY OTHERS OF AN INTENTION TO INITIATE SUCH BROADCASTS, AND TO CONSULT WITH THEM AT THEIR REQUEST, BUT SPECIFICALLY IS NOT WILLING TO ACCEPT ANY POLITICAL PRINCIPLE ALLOWING PROHIBITION BY OTHERS OF ANY STATE'S ULTIMATE RIGHT TO PROCEED WITH SUCH BROADCASTING. IN ADDITION, OUR DELEGATION WILL CLEARLY DISTINGUISH BETWEEN ANY TECHNICAL CONSTRAINTS ADOPTED THROUGH THE ITU MACHINERY FOR ORDERLY FREQUENCY MANAGEMENT ON ONE HAND, AND A POLITICAL PRINCIPLE WHICH PURPORTS TO GIVE STATES A RIGHT TO REVIEW THE PROGRAM CONTENT OF INCOMING BROADCASTS. OUR POSITION IS CATEGORICALLY TO REJECT THE LATTER.

D. SEVERAL OF OUR WESTERN ALLIES ARE NOW IN GENERAL AGREEMENT WITH POSITION OUTLINED ABOVE AND WE ARE CONSULTING WITH THEM IN AN ATTEMPT TO DEVELOP A COMMON POSITION TO PROTECT PRINCIPLE OF FREE FLOW OF INFORMATION AT THE OSC.

5. ACTION REQUESTED: CERTAIN KEY NON-WESTERN MEMBERS OF THE OSC HAVE BEEN INVOLVED IN THE NEGOTIATIONS ON DBS PRINCIPLES. ADDRESSEE POSTS SHOULD MAKE LOW-KEY APPROACH PRIOR TO THE OSC SESSION AT APPROPRIATE LEVEL OF HOST GOVERNMENT TO EXPLAIN US POSITION ON DBS AND INDICATE THE IMPORTANCE WHICH THE US ATTACHES TO A CONSTRUCTIVE OUTCOME OF THE DBS NEGOTIATIONS IN THE OSC. POSTS SHOULD REPORT RESULTS OF DEMARCHE TO DEPARTMENT SOONEST. IN MAKING APPROACH, POSTS SHOULD DRAW ON FOLLOWING POINTS:
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-- THE US SUPPORTS THE PRINCIPLE OF FREE FLOW OF INFORMATION UNRESTRICTED BY NATIONAL BOUNDARIES AND WE CANNOT ACCEPT A POLITICAL STATEMENT REVERSING THIS PRINCIPLE. WE BELIEVE THE PRINCIPLE APPLIES TO DBS AS WELL. WE HAVE CONSISTENTLY OPPOSED ANY REQUIREMENT THAT A FOREIGN GOVERNMENT GIVE PRIOR CONSENT TO THE CONTENT OF PROGRAMS FROM ABROAD WHICH CAN BE RECEIVED WITHIN ITS BOUNDARIES. WE BELIEVE THIS WOULD VIOLATE THE RIGHT, AFFIRMED IN ARTICLE 19 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, TO "RECEIVE AND IMPART INFORMATION AND IDEAS THROUGH ANY MEDIA REGARDLESS OF FRONTIERS."

-- THE US ENCOURAGES THE FREE AND OPEN EXCHANGE OF INFORMATION AND IDEAS. IT RESPECTS DIFFERENCES AMONG CULTURES AND THE NEED TO MAXIMIZE THE BENEFICIAL USE OF NEW SPACE COMMUNICATIONS TECHNOLOGIES SUCH AS DIRECT TELEVISION BROADCAST SATELLITES.

-- ADOPTION OF RESTRICTIONS COULD HAMPER THE CONTINUED DEVELOPMENT AND COOPERATIVE USE OF TECHNOLOGY WHICH MIGHT OTHERWISE BRING MANY EDUCATIONAL, ECONOMIC AND SOCIAL BENEFITS TO THE INTERNATIONAL COMMUNITY, PARTICULARLY TO DEVELOPING COUNTRIES.

-- THE 1977 WARC HAS RECOMMENDED ITU ADOPTION OF A SYSTEM OF NATIONAL FREQUENCY AND ORBITAL SLOT ASSIGNMENTS. EACH REGION 1 OR 3 COUNTRY HAS THEREFORE BEEN ASSURED ACCESS TO BOTH FREQUENCIES AND ORBITAL POSITIONS IN A TECHNICALLY MANAGEABLE WAY. IN LIGHT OF THE WARC DECISION, WE BELIEVE THAT NO RESTRICTIVE PRINCIPLE IS NEEDED. FYI: FOR LATIN AMERICAN POSTS: 1977 WARC AGREED THAT MEETING SHOULD BE HELD BY 1982 TO DEVELOP PLAN FOR EFFICIENT USE OF ORBITAL POSITIONS AND FREQUENCIES IN THE 12 GIGAHERTZ BAND IN REGION 2 (LATIN AMERICA, CANADA AND US). END FYI.

--WE NOW BELIEVE THAT THOSE DELEGATIONS WHICH HAVE BEEN SEEKING RESTRICTIONS ON THE RIGHTS OF BROADCASTERS SHOULD REVIEW THEIR OWN POSITIONS IN LIGHT OF RECENT DEVELOPMENTS BOTH IN THE OUTER SPACE COMMITTEE AND IN THE ITU.
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-- HOWEVER, THE UNITED STATES HAS STATED IN THE UNGA IN 1975 THAT IT IS PREPARED, AS PART OF AN OVERALL SOLUTION TO THE DBS PROBLEM, TO ACCEPT A NEW PRINCIPLE CALLING FOR PRIOR NOTIFICATION OF INTENT TO INITIATE DIRECT BROADCASTING AND FOR CONSULTATIONS TO ATTEMPT TO RESOLVE ANY DIFFICULTIES RAISED. THIS WAS A SIGNIFICANT STEP TAKEN IN GOOD FAITH IN ORDER TO MEET THE LEGITIMATE INTERESTS OF OTHERS.

-- IN OUR VIEW, THE COMBINATION OF THE TECHNICAL PROVISIONS OF NOTIFICATION AND CONSULTATION SHOULD FURNISH THE BASIS FOR AN ACCEPTABLE RESOLUTION OF THIS ISSUE. THUS, AN ACCEPTABLE BASIS FOR COMPROMISE CAN BE CONSTRUCTED IF ALL PARTIES ARE GENUINELY INTERESTED IN REACHING A FAIR,

MUTUALLY ACCEPTABLE, AND HENCE WORKABLE RESULT.

6. FOR BRASILIA: BRAZILIAN DEL LINDENBERG SETTE WAS PARTICULARLY UNHELPFUL IN DEBATE ON DBS AT 1977 SESSION OF LSC. REJECTING THE POSITION THAT FOR TECHNICAL REASONS NO RESTRICTIVE PRINCIPLE IS NECESSARY, LINDENBERG SETTE INSISTED ON THE NEED FOR A POLITICAL PRINCIPLE. HE MADE A STATEMENT TO THE EFFECT THAT NO COUNTRY IN FACT ALLOWS ENTIRELY FREE FLOW OF INFORMATION OR IDEAS. IN A TRANS-PARENT AND POINTED REFERENCE TO THE US, LINDENBERG SETTE SAID THIS WAS TRUE EVEN OF "THE HOST COUNTRY," AND REFERRED WITHOUT ELABORATION TO THE DIFFERENCE BETWEEN PUBLIC STATEMENTS AND ACTUAL PRACTICE, NOTWITHSTANDING THAT CERTAIN TYPES OF INFORMATION ARE DISSEMINATED IN US WHICH WOULD BE CONSIDERED OFFENSIVE IN HIS COUNTRY. POST

SHOULD EXPECT OPPOSITION TO US POSITION ON DBS, BUT SHOULD INDICATE TO BRAZILIANS THAT WE HOPE THEY HAVE RECONSIDERED THEIR POSITION AND BE WILLING TO JOIN IN A CONSENSUS FOR AN ACCEPTABLE AND CONSTRUCTIVE RESOLUTION OF THE DBS ISSUE.

7. FOR NAIROBI: USDEL DEVOTED CONSIDERABLE EFFORT TO EXPLAINING MERITS OF US POSITION ON DBS TO KENYAN DEL AT CONFIDENTIAL

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LSC SESSION. KENYAN DEL APPEARED RECEPTIVE TO ARGUMENT THAT TECHNICAL DEVELOPMENTS MADE A POLITICAL PRINCIPLE UN-NECESSARY BUT LATER TOOK OPPOSITE POSITION IN DBS DEBATE. POST SHOULD EXPRESS HOPE THAT GOVERNMENT OF KENYA COULD AGREE THAT, IN LIGHT OF POSITION OUTLINED PARA 5 ABOVE, NO RESTRICTIVE POLITICAL PRINCIPLE ON DBS WAS NEEDED.

8. FOR LAGOS: NIGERIAN DEL MACALEY CHALLENGED THE LSC'S CONSENSUS PROCEDURE AND IN UNHELPFUL MANNER THREATENED TO CALL FOR A COMMITTEE VOTE OVER THE FREE FLOW OF INFORMATION ISSUE IN THE REMOTE SENSING CONTEXT. POST SHOULD POINT OUT THAT CONSENSUS HAS SERVED THE NEEDS OF ALL OSC MEMBERS WELL AND IT ENABLES STATES TO ACHIEVE THE KIND OF BROAD AGREEMENT ON FUNDAMENTAL ISSUES NECESSARY TO CONTINUED SUCCESSFUL INTERNATIONAL COOPERATION IN OUTER SPACE ACTIVITIES. WE HOPE NIGERIA WILL SUPPORT A CONSTRUCTIVE CONSENSUS FOR AN ACCEPTABLE RESOLUTION OF THE DBS ISSUE.

9. FOR MEXICO: ALTHOUGH MEXICO HAS NOT BEEN IN FOREFRONT OF DBS DEBATE, IT WOULD BE HELPFUL TO LEARN NEW MEXICAN ADMINISTRATION'S POSITION ON FREE FLOW OF INFORMATION.

10. FOR NEW DELHI: INDIA HAS A LONG INTEREST IN DBS AND FORMER INDIAN REP JAIPAL CHAIRED THE OSC WORKING GROUP ON DBS. IN VIEW OF PAST INDIAN DOMESTIC EXPERIENCE WITH CENSORSHIP AND RESTRICTIONS ON FREE FLOW OF INFORMATION, IT WOULD BE USEFUL IF THE PRESENT INDIAN GOVERNMENT COULD

AGREE THAT THE LEGITIMATE CONCERNS OF STATES IN DBS HAVE
BEEN PROTECTED BY THE RECENT WARC DECISIONS AND THAT NO
RESTRICTIVE POLITICAL PRINCIPLE IS NEEDED. VANCE

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TO AMEMBASSY VIENNA PRIORITY

C O N F I D E N T I A L STATE 135742

FOR US DEL TO OSC

FOLLOWING TEL SENT ACTION BRASILIA, CAIRO, CARACAS, LAGOS,
MEXICO, NAIROBI, NEW DELHI INFO MOSCOW, USUN NEW YORK FROM
STATE JUNE 11:

QUOTE C O N F I D E N T I A L STATE 135742

E.O. 11652: GDS

TAGS: TSPA, UN

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8. FOR LAGOS: NIGERIAN DEL MACALEY CHALLENGED THE LSC'S CONSENSUS PROCEDURE AND IN UNHELPFUL MANNER THREATENED TO CALL FOR A COMMITTEE VOTE OVER THE FREE FLOW OF INFORMATION ISSUE IN THE REMOTE SENSING CONTEXT. POST SHOULD POINT OUT THAT CONSENSUS HAS SERVED THE NEEDS OF ALL OSC MEMBERS WELL AND IT ENABLES STATES TO ACHIEVE THE KIND OF BROAD AGREEMENT ON FUNDAMENTAL ISSUES NECESSARY TO CONTINUED SUCCESSFUL INTERNATIONAL COOPERATION IN OUTER SPACE ACTIVITIES. WE HOPE NIGERIA WILL SUPPORT A CONSTRUCTIVE CONSENSUS FOR AN ACCEPTABLE RESOLUTION OF THE DBS ISSUE.

9. FOR MEXICO: ALTHOUGH MEXICO HAS NOT BEEN IN FOREFRONT OF DBS DEBATE, IT WOULD BE HELPFUL TO LEARN NEW MEXICAN ADMINISTRATION'S POSITION ON FREE FLOW OF INFORMATION.

10. FOR NEW DELHI: INDIA HAS A LONG INTEREST IN DBS AND FORMER INDIAN REP JAIPAL CHAIRED THE OSC WORKING GROUP ON DBS. IN VIEW OF PAST INDIAN DOMESTIC EXPERIENCE WITH CENSORSHIP AND RESTRICTIONS ON FREE FLOW OF INFORMATION, IT WOULD BE USEFUL IF THE PRESENT INDIAN GOVERNMENT COULD AGREE THAT THE LEGITIMATE CONCERNS OF STATES IN DBS HAVE BEEN PROTECTED BY THE RECENT WARC DECISIONS AND THAT NO RESTRICTIVE POLITICAL PRINCIPLE IS NEEDED. VANCE UNQUOTE VANCE

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Message Attributes

Automatic Decaptioning: X
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Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INSTRUCTIONS, MEETINGS, NEGOTIATIONS, COMMUNICATION SATELLITES, DBS, TELEVISION BROADCASTING, INTERNATIONAL ORGANIZATIONS
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
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Status: NATIVE
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To: BRASILIA CAIRO MULTIPLE
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